

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Bernard Berrian,

Plaintiff,

v.

Civil No. 11-38 (JNE/JSM)
ORDER

Ronald R. Jones, Jane Doe, AKA Clarice
Lankford, Clinton Killian, Rachel Garner,
and Raymond Lankford,

Defendants.

Bernard Berrian first named Rachel Garner and Raymond Lankford as defendants in the Second Amended Complaint, which was filed on October 19, 2011. More than 120 days later, the Court noted that neither Garner nor Lankford had been served. Accordingly, the Court ordered Berrian to show cause why the action against Garner and Lankford should not be dismissed without prejudice. *See* Fed. R. Civ. P. 4(m); *Carmona v. Ross*, 376 F.3d 829, 830 (8th Cir. 2004) (per curiam). Berrian responded that he “does not oppose dismissal without prejudice as to Rachel Garner and Pastor Raymond Lankford.” The Court dismisses the action against them without prejudice.

Based on the files, records, and proceedings herein, and for the reasons stated above, IT
IS ORDERED THAT:

1. The action against Rachel Garner and Raymond Lankford is DISMISSED
WITHOUT PREJUDICE.

Dated: March 20, 2012

s/ Joan N. Ericksen
JOAN N. ERICKSEN
United States District Judge